

**IN THE CIRCUIT AND SUPERIOR COURTS OF  
PORTER COUNTY**

**In the Matter of        )  
County Local Rules    )**

**Cause No.**

**NOTICE OF PROPOSED LOCAL RULE AMENDMENTS, ORDER FINDING GOOD  
CAUSE TO ADOPT A LOCAL COURT RULE AT TIME OTHER THAN  
ESTABLISHED SCHEDULE, AND REQUEST FOR SUPREME COURT APPROVAL**

The judges of the Porter County Circuit Court and Superior Courts give Notice of proposed amendments to their local court rules, request Supreme Court approval for the amendments to their existing caseload allocation plan, and pursuant to Trial Rule 81(D) find good cause exists to deviate from the schedule established by the Division of State Court Administration for publishing local rules. Pursuant to Ind. Code § 12-23-14.5-2, a drug court may establish uniform rules as necessary. These local rule amendments establish uniform rules regarding the Porter County Adult Drug Court Program and the Porter County Juvenile Drug Court Program. After approval by the Division of State Court Administration and the Indiana Supreme Court for the amendments to the caseload allocation plan, posting for thirty (30) days in the Porter County Clerk's Office, on the Porter County Clerk's website, and on the Indiana Judicial website, and after receiving public comment during said time frame, the Courts will enter a final version of these rules and effective dates thereof, and provide notice to the members of the bar, public, and the Porter County Bar Association. Comments on these proposed rules may be made to the following addresses:

Porter County Superior Court # 3  
3560 Willowcreek Road  
Portage, IN 46383

or via email at: [d03@porterco.org](mailto:d03@porterco.org)

The proposed rules to be adopted are as follows:

**LR64-CR2.2-4000 CASE ASSIGNMENT AND ALLOCATIONS**

**4000.10 Superior Division.**

The Administrator of this Court shall maintain two opaque containers. In each shall be placed four (4) black marbles, four (4) white marbles and four (4) green marbles. One container shall be designated for use in Class D felony charges to be filed in the Superior Division and the other container shall be used for all other criminal charges filed in the Superior Division. Whenever the Prosecuting Attorney of Porter County wishes to initiate a criminal action in the Superior Division of the Court, the Prosecutor shall first go to the Office of the Court Administrator for purposes of determining before which judge the case shall be filed.

The Court Administrator shall remove one (1) marble from the appropriate opaque container. If the marble chosen is black, the Prosecutor shall be directed to take the probable cause affidavit and the charging information to Porter Superior Court #1 for approval and filing. If the marble chosen is white, the Prosecutor shall be directed to Superior Court #2, and if the marble is chosen green, the Prosecutor shall be directed to Circuit Court acting as Superior Court #5. After the Prosecutor is directed to the designated court, the marble chosen shall be placed in an opaque container separate from the original container. Subsequent criminal cases shall be assigned by this same process. Once all twelve (12) marbles have been removed from the original opaque container, they shall be replaced in the original container and the same process will be followed for assignment of subsequent cases. In addition, the Court Administrator shall remove a number of marbles of the same color which corresponds with the number of multiple defendants when the case assigned has multiple defendants.

Class D felony charges filed in the Clerk's Office shall be assigned to Superior Courts 1, 2 and 5 on a rotating basis.

**Any criminal case accepted into the Porter County Adult Drug Court Program in accordance with the Drug Court's policies and procedures will be assigned to the designated Porter County Adult Drug Court for further management.**

#### **4000.30 Transfers.**

(1) It shall be the policy of the Porter Superior Courts, that whenever possible consistent with good case management principals, cases involving the same defendant shall be transferred into one court for resolution of all the pending cases.

(2) MISDEMEANORS: Any subsequent Misdemeanor case filed against a defendant may be transferred to the Court where the defendant's oldest existing misdemeanor case is pending. In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the new Misdemeanor case shall be transferred to the probation case, unless the new Misdemeanor case can be resolved without the resolution of the probation case. Pending as defined herein any existing Misdemeanor case which is in pre-disposition status.

(3) D FELONY CASES: Any subsequent Misdemeanor or Class D Felony case may be transferred to the court where the defendant's oldest existing Class D Felony case is pending. In the event the defendant has an open probation case pending in any court and is subsequently charged with a D Felony case, the D Felony case may be transferred to the open probation case, unless the D Felony case can be resolved without the resolution of the probation case.

(4) MURDER, A, B, and C FELONY CASES: Any subsequently filed Misdemeanor or D Felony case may be transferred to the court where the defendant's oldest Major Felony case is pending. However, no new Misdemeanor involving Title 9 (traffic) may be transferred without prior agreement of both the sending and receiving court.

(5) Any Court may choose to "opt out" of transferring or receiving transferred cases by notifying the other Superior Courts of their election to not transfer or accept transferred cases.

**(6) DRUG COURT: If accepted into the Porter County Adult Drug Court Program, qualifying criminal cases shall be transferred in accordance with the Drug Court's policies and procedures to the Superior Court designated as the Drug Court.**

#### **4000.50 Adult Drug Court Program.**

**(1) Porter County Adult Drug Court Program shall be established pursuant to IC 12-23-14.5-1 to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers, as determined by its written policy and procedures.**

**(2) Those persons directed to participate in the Porter County Adult Drug Court Program shall pay the program fee, not to exceed five hundred (\$500) dollars, in accordance with IC 12-23-14.5-12, as well as any additional costs associated with recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.**

**(3) The day-to-day operation and management of the Porter County Adult Drug Court Program has been established in and assigned to Porter County Superior Court # 3. The Drug Court Program shall be reviewed by the Porter County Superior Court judges when necessary, and upon review and agreement by all judges, the Drug Court Program may be established in additional courts as needed.**

**LR64-AR00-7200 Porter County Adult Drug Court Program**

**A Porter County Adult Drug Court Program shall be established pursuant to IC 12-23-14.5-1 and in accordance with Porter County Local Rules.**

~~Those persons directed to participate in the Porter County Drug Court Program shall pay a \$500 program fee in accordance with IC 12-23-14.5-12, as well as any additional costs associated with recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.~~

**LR64-JV00-8030 Porter County Juvenile Drug Court Program**

**A Porter County Juvenile Drug Court Program is established pursuant to IC 12-23-14.5-1 to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible juveniles, as determined by its written policies and procedures. The Porter County Juvenile Drug Court Program shall be operated and managed in accordance with its established policies and procedures.**

November 17, 2008

\_\_\_\_\_/S/\_\_\_\_\_  
MARY R. HARPER, Judge  
Porter Circuit Court & Superior  
Court V

\_\_\_\_\_/S/\_\_\_\_\_  
ROGER V. BRADFORD, Judge  
Porter Superior Court I

\_\_\_\_\_/S/\_\_\_\_\_  
WILLIAM E. ALEXA, Judge  
Porter Superior Court II

\_\_\_\_\_/S/\_\_\_\_\_  
JULIA M. JENT, Judge  
Porter Superior Court III

\_\_\_\_\_/S/\_\_\_\_\_  
DAVID L. CHIDESTER, Judge  
Porter Superior Court IV

\_\_\_\_\_/S/\_\_\_\_\_  
JEFFREY L. THODE, Judge  
Porter Superior Court VI